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09/549,004	04/14/2000	Peter Sherlock	D 2285 FCA	7987

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Wendy W Koba
P O Box 556
Springtown, PA 18081

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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 03/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/549,004

Applicant(s)

SHERLOCK ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1.1 Claim 1 is objected to because of the following informalities:

a) It recites the limitation "the system" in 5, which is confusing because there are a services management system stated in line 1, and a communication system stated in line 3, it is unclear which system is "the system" referred to.

b) In line 11, "for interacting for interacting" is a typo.

b) It recites the limitation "the network mail service" in lines 10 and 11. There is insufficient antecedent basis for this limitation in the claim.

c) It recites the limitation "the broadband communication network" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

1.2 Claim 2 is objected to because of the following informalities: The limitation "commands from a substrate" recited in line 4 is confusing because it is unclear how a substrate generates commands.

Appropriate correction is required.

1.3 Claims 9 and 10 recite the limitation "the broadcast communications network" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 7, 11-14, 16-20 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Wicks et al. US 5,796,394.

2.1 Regarding claim 1, Wick discloses a multi-user messaging system in figure 1. Wicks' system comprises a subscriber location 130 and broadband networks 102, 104 and 106, which comprise user interfaces (head ends) (column 4, lines 3-8) for connecting to a base station 108 (local database, and display device). The base

station 108 includes an I/O 246 (interface) (figure 3) for interfacing with Wicks' system further comprising:

a plurality of user modules 110-126) for interacting with the base station 108 to initiate and control the presentation and delivery of voicemail, data-mail and fax (enhanced telephony service) to a subscriber (column 5, lines 37-41; column 7, lines 54-67; column 8, lines 1-19); and

inherently each voicemail, data-mail, and fax has a network module for interacting with network 102 (figure 1).

2.2 Regarding claim 2, Wick teaches that a user computer may access the base station 108 (column 4, lines 49-67), and the computer comprises:

a menu generation module for crating selected mail services (voicemail data-mail and fax) in response to commands from a subscriber (figures 4-10; column 5, lines 53-62; column 6, lines 34-46);

a selection handler module to control the selection options listed with selected menus and pull down menus (figures 4-10); and

a message display module for crating menu displays and communicating the created display to the computer (figures 4-10; column 5, lines 53-62; column 6, lines 34-46);

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2.3 Regarding claim 7, Wicks teaches retrieving messages in figures 5-10, including call-logs for incoming messages (figure 5) and outgoing messages (outbox button in figure 5; column 8, lines 58-67; column 9, lines 1-10).

2.4 Regarding claim 11-14, Wicks teaches messages including voicemail, e-mail and fax, and video message (data-mail) (figure 1; column 7, lines 35-45).

2.5 Regarding claims 16 and 17, Wicks teaches a multi-user system as shown in figure 4.

2.6 Regarding claim 18, Wicks discloses a multi-user communication system in figure 1. Wicks teaches:

- a) displaying on a graphical user interface, a menu of various users (figure 4; column 7, lines 35-53);

- b) receiving in messaging system (enhanced telephony management system), a menu selection corresponding to a particular subscriber chosen from figure 4 (figure 5; column 8, lines 41-67; column 9, lines 1-10); and

- c) allowing access to received messages associated with the particular subscriber (figures 6-8 and 10; column 9, lines 56-67; column 10, lines 1-24, 33-41).

2.7 Regarding claim 19, Wicks teaches displaying an inbox (log) messages for Curtis (figure 5).

2.8 Regarding claim 20, since base station 108 is a computer, and some graphical adapters in computers have TV OUT port, therefore, it is inherent that a TV set can be connected to base station 108 as its monitor, if a graphical adapter for base station includes a TV OUT port.

2.9 Regarding claim 22-25, Wicks teaches messages including voicemail, e-mail and fax (figure 1; column 7, lines 35-45), and it is inherent that video image can be sent as e-mail attachment.

3. Claims 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al. US 5,946,386.

3.1 Regarding claim 32, Rogers discloses a multi-user call management system in figure 1. Rogers teaches a user's computer (displaying device) for displaying a user's call log in figure 9 (column 42, lines 10-59). Rogers further teaches that a system administrator can view all users' call logs sorted, combined, processed and printed in any way (column 43, lines 14-22).

3.2 Regarding claim 33, each user's call log has an indicator for identifying out going calls and incoming calls (column 42, lines 38-43).

3.3 Regarding claim 34, Rogers further teaches call back from the call log (column 42, lines 57-67; column 43, lines 1-13).

3.4 Regarding claim 35, Roger further teaches a personal telephone directory, and the personal telephone directory can be edited to add new entries (column 32, lines 27-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6, 15 and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks et al. US 5,796,394 in view of Rogers et al. US 5,946,386.

4.1 Regarding claim 3, Wicks discloses a multi-user communications system. Wicks teaches that a user can access a base station 108 directly, or via one of a plurality of user devices 112-124 for retrieving or sending mail messages (figures 1, 4 and 5).

Wicks further teaches rerouting incoming messages to other recipients (column 9, lines 6-10), and other mailroom functions, but fails to specifically teach accessing a personal telephone listing directory in the base station 108.

However, Rogers teaches a call management system for multiple users in figure 1. Rogers teaches rerouting incoming call or message to others in a personal directory and the personal directory is located in a local computer 110 (column 30, lines 26-38; column 32, lines 27-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wicks' reference with the teaching of Rogers so that each user would have a personal directory stored in the base station 108, because such modification would have enabled a user to forward mails automatically, and using the directory for sending mails or placing outgoing calls.

4.2 Regarding claim 4, the Wicks reference, modified by Rogers, teaches accessing a person directory in the base station 108, since Wicks and Rogers' references teach accessing Internet, it is inherent that on-line telephone directories can be accessed.

4.3 Regarding claims 5 and 6, on-line telephone directory inherently includes Yellow Pages and White Pages.

4.4 Regarding claim 15, the Wicks reference, modified by Rogers, teaches accessing a person directory in the base station 108. As Rogers teaches in column 32, lines 27-53, a user is able to edit his personal telephone directory, which inherently including adding a telephone number form a incoming message.

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4.5 Regarding claim 26, Wicks discloses a multi-user communications system.

Wicks teaches that a user can access a base station 108 directly, or via one of a plurality of user devices 112-124 for retrieving or sending mail messages (figures 1, 4 and 5; column 5, lines 37-41; 53-61).

Wicks further teaches rerouting incoming messages to other recipients (column 9, lines 6-10), and other mailroom functions, but fails to specifically teach accessing a personal telephone listing directory in the base station 108.

However, Rogers teaches a call management system for multiple users in figure 1. Rogers teaches rerouting incoming call or message to others in a personal telephone directory and the personal telephone directory is located in a local computer 110, and is accessible by a user for edits (column 30, lines 26-38; column 32, lines 27-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wicks' reference with the teaching of Rogers so that each user would have a personal telephone directory stored in the base station 108, because such modification would have enabled a user to forward mails automatically, and using the directory for sending mails or placing outgoing calls.

4.6 Regarding claim 27, as discussed in claim 26, the personal telephone directory stored in base station 108 comprises names and telephone numbers (Rogers, column 32, lines 27-39).

4.7 Regarding claims 28 and 29, the Wicks reference, modified by Rogers, teaches accessing a person directory in the base station 108, since both Wicks and Rogers' references teach accessing Internet, it is inherent that on-line telephone directories, including Yellow Pages and White Pages, can be accessed.

4.8 Regarding claim 30, as discussed in claim 26, Rogers teaches editing a personal telephone directory, and editing including adding new entries which can be from any source.

4.9 Regarding claim 31, since base station 108 is a computer, and some graphical adapters in computers have TV OUT port, therefore, it is inherent that a TV set can be connected to base station 108 as its monitor, if a graphical adapter for base station includes a TV OUT port.

5. Claims 8-10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks et al. US 5,796,394 in view of Dunn et al. US 5,651,054.

5.1 Regarding claim 8, Wicks teaches a multi-user communications messaging system in figures 1-10, but fails to teach providing real time incoming message information to a user display device.

However, Dunn discloses messaging system in figure 1. Dunn teaches displaying real time message information on a user's computer (figure 5, item 161).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wicks' reference with the teaching of Dunn so that real time message information would have displayed on a user's computer, because such modification would have enabled a user to monitor incoming calls.

5.2 Regarding claims 9 and 10, the Wicks reference, modified by Dunn, teaches real time monitoring incoming messages. Dunn further teaches a callback module in the user's computer for returning a call (column 10, lines 19-32; column 11, lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Wicks' reference with the further teaching of Dunn so that callback module would have been included in a user's computer, because such modification would have enabled a user to return a call from his computer after retrieving a voice message.

5.3 Regarding claim 21, Wicks teaches a multi-user communications messaging system in figures 1-10, but fails to teach providing a callback module for returning a call.

However, Dunn further teaches a messaging system in figure 1, and callback module in the user's computer for returning a call (column 10, lines 19-32; column 11, lines 1-7).


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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wicks' reference with the teaching of Dunn so that callback module would have been included in a user's computer, because such modification would have enabled a user to return a call from his computer after retrieving a voice message.

Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER for
Fan Tsang


S.S.

03/08/2004